IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.2954 OF 2006

Manoj Kumar Poddar. ...Petitioner.
Vs.
Association of Engineering Workers & Ors. ...Respondents.
....
Mr. Kezer Kharawala i/b. R. K. Associates for the Petitioner.
Mr. N.M. Ganguli for Respondent No.1.
.....

CORAM : DR.D.Y.CHANDRACHUD, J.

December 6, 2006.

P.C.

The application for the deletion of the Petitioner from the Complaint of unfair labour practice (Exhibit 'C') was signed not by the Petitioner himself, but by a person by the name of Shriram A. Patil. Counsel appearing on behalf of the Petitioner states that the aforesaid person who signed the application is an Advocate. The copy annexed at Exhibit 'C' to the Petition does not specify that the application which was filed was signed by Shriram A. Patil as an Advocate, but in any event, it is impossible to accept that an Advocate could have filed such an application. The application for deletion proceeded on the basis that the Petitioner had tendered his resignation from the Second Respondent herein, on 18th

August 1997. The facts relating thereto are to the personal knowledge of the Petitioner and it is for the Petitioner to file an appropriate application. The Industrial Court has, by its order dated 28th March 2006 noted that what was produced was only a photo copy and that consequently, the order of deletion could not be passed on that application. Earlier, this Court had occasion to deal with a petition raising a similar grievance on the part of the Petitioner. While disposing of the petition, this Court, in its order dated 24th July 2006, had observed that the application filed before the Industrial Court was signed by one Shriram A. Patil and even the petition before this Court was signed by a Constituted Attorney. The Power of Attorney, however, was to pursue proceedings before the Debts Recovery Appellate Tribunal. It is observed that the Power of Attorney did not empower the person who had signed and verified the Petition to institute or pursue those proceedings. The Petition was on the request of Counsel appearing on behalf of the Petitioner dismissed as withdrawn with liberty reserved to adopt appropriate steps. The Petitioner cannot be regarded as having taken appropriate steps since the facts contained in the application were sought to be endorsed not by the Petitioner, but again by Shriram A. Patil. The Petition is

accordingly dismissed.

.....